



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

STATE LAWS AND REGULATIONS PERTAINING TO PUBLIC HEALTH.

CALIFORNIA.

Municipal Sewer Districts—Establishment and Maintenance. (Act May 29, 1915.)

SECTION 1. Section 2 of an act entitled "An act to provide for the division of municipalities into sewer districts and for the construction of or acquisition and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of such construction of or acquisition, and also for the payment of such bonds," approved April 14, 1911, is hereby amended to read as follows:

"SEC. 2. Whenever the legislative body of such city, town, or municipal corporation shall, by resolution passed by a vote of two-thirds of all its members and approved by the executive of such municipality, determine that the public interest or convenience requires the construction of or acquisition by purchase or otherwise of a sewer or any sewers in any part of the territory of such municipality, said legislative body shall describe in said resolution a district describing the boundaries thereof, naming and numbering the same as hereinabove provided, and declare said district to be the district benefited by said work or improvement or acquisition of such sewer, which said resolution shall name a day for the hearing of any and all objections by all or any persons interested in the formation of such sewer district or in the including of any of the lots, pieces, or parcels of land within the boundaries so described in said resolution within such sewer district, which said resolution, together with the names of the members of said legislative body voting for and against said resolution and the name of the executive approving said resolution, shall be published for at least two weeks successively next before the day fixed for said hearing in some newspaper of general circulation printed and published in such municipality.

"On the day fixed for said hearing, or any day to which said hearing may have been adjourned, said legislative body shall hear and consider any and all objections presented either to the formation of said sewer district or to the including of any lands in the boundaries of said sewer district, and, if, after the hearing of said objections, it shall be determined by a vote of two-thirds of all the members of said legislative body that the public interest requires the formation of such sewer district, then said legislative body shall proceed to fix and determine the boundaries thereof, making all necessary and proper changes in the boundaries as proposed and fixed in said resolution and shall, by a resolution passed by a vote of two-thirds of all its members, and approved by the executive of such municipality, establish such sewer district, permanently fix and determine the boundaries thereof, which said resolution, together with the names of the members of said legislative body voting for and against said resolution, together with the name of the executive approving said resolution, be spread upon the minutes of said legislative body. And at any subsequent meeting after the passage and recording of the said resolution, the said legislative body may, by ordinance passed by a vote of two-thirds of all of its members, and also approved by the said executive, adopt plans and specifications for the proposed sewer work, if to be constructed, and also describe the territorial district upon which the expense of such proposed sewer work or improvement, or acquisition, shall be chargeable, as hereinafter provided, and shall provide therein for a special election to be held in such city, town, or municipal corporation.

"At such election there shall be submitted to the qualified electors of such city, town, or municipal corporation the proposition of incurring indebtedness for the purposes set forth in said resolution, and no question other than the incurring of the indebtedness for such purposes shall be submitted at such special election. The ordinance calling such special election shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the estimated cost of the proposed sewer work, improvement, or sewer system to be acquired, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, the manner of holding such election, and the manner of voting for or against the incurring of such indebtedness. In all particulars not recited in such ordinance, such election shall be held as is provided by law for holding general municipal elections in such city, town, or municipal corporation. The maximum rate of interest to be paid on such indebtedness shall be 6 per cent per annum, payable semiannually."

SEC. 2. Section 3 of said act is hereby amended to read as follows:

"SEC. 3. Said ordinance shall be published once a day for five days prior to the date set for such election in some newspaper of general circulation printed and published in such municipality, designated by the legislative body of said city, town, or municipal corporation, which newspaper is published once a day for at least six days a week in such municipality, or such ordinance shall be published once a week for two weeks prior to the date set for such election in some newspaper of general circulation, printed and published in such municipality, designated by said legislative body, and published less than six days a week in such municipality, and one insertion thereof in such last-described newspaper each week for two successive weeks prior to the date set for such election by the legislative body of said city, town, or municipal corporation, shall be a sufficient publication in such newspaper published less than six days a week.

"In municipalities where no newspaper is published, such ordinance shall be posted in three public places in the said sewer district for two successive weeks prior to the date set for such election by the legislative body of said city, town, or municipal corporation. No other notice of such election need be given. It shall require the affirmative votes of two-thirds of all the aforesaid qualified electors of said city, town, or municipal corporation voting at such election to authorize the incurring of said indebtedness and the issuance of bonds therefor as provided herein: *Provided, however,* If the proposition so submitted at such election fail to receive the requisite number of votes of the aforesaid qualified electors of such city, town, or municipal corporation voting at such election to incur the indebtedness for the purpose specified, the legislative branch of such municipality shall have no power or authority within six months after such election to pass any ordinance calling another election for incurring any indebtedness for sewer work within any sewer district which has within its boundaries any of the territory of the district in which, at said election, the requisite number of votes for the issuance of said bonds has not been cast therefor."

SEC. 3. Section 6 of said act is hereby amended to read as follows:

"SEC. 6. Before the legislative body of such city, town, or municipal corporation shall award the contract for doing any sewer work or improvement, the expense of which is to be paid out of the proceeds of sales of the bonds issued in accordance with the provisions of this act, said legislative body of said city, town, or municipal corporation shall cause notice with specifications to be posted conspicuously for five days on or near the chamber door of said legislative body, inviting sealed proposals or bids for doing said sewer work or improvement, and shall also cause notice of said work inviting said proposals and referring to the specifications posted or on file, to be published for two consecutive insertions in a daily, semiweekly, or weekly newspaper, published and circulated in said city, town, or municipal corporation, designated by said legislative body for that purpose, and in case there is no newspaper published

in said city, town, or municipal corporation, then it shall only be posted as hereinbefore provided. All proposals or bids offered shall be accompanied by a check, payable to the order of the executive officer of said city, town, or municipal corporation, certified by a responsible bank for an amount which shall be not less than 10 per cent of the aggregate of the proposal, or by a bond for the said amount, and so payable, signed by the bidder and by two sureties who shall justify before an officer competent to administer an oath, in double such amount, and over and above all statutory exemptions.

"Said proposals or bids shall be delivered to the clerk of said legislative body, and said legislative body shall in open session examine and publicly declare the same. Said legislative body may reject any or all proposals or bids should it deem this for the public good, and shall reject all proposals or bids other than the lowest proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the price named in his bid, which award shall be approved by the executive officer of said city, town, or municipal corporation, or a three-fourths vote of the legislative body of said city, town, or municipal corporation. If not approved by said executive officer or a three-fourths vote of said legislative body, without further proceedings the said legislative body may readvertise for proposals or bids for the performance of the work as in the first instance, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bid so rejected. But the checks accompanying such accepted proposals or bids shall be held by the clerk of said city, town, or municipal corporation until the contract for doing said work has been entered into by said lowest bidder whose bid is accepted and approved. But if said bidder fails, neglects, or refuses to enter into the contract to perform said work within 10 days after said contract shall have been awarded, then the certified check accompanying his bid and the amount therein mentioned shall be declared to be forfeited to said city, town, or municipal corporation. The said legislative body shall have the right to require such bonds as they may deem adequate from the bidder to whom the contract for said work or improvement is awarded, to insure the faithful performance of said contract.

"Such officer of said city, town, or municipal corporation as the legislative body thereof shall designate is authorized, in his official capacity, to make all written contracts and to receive all bonds authorized by this act, and is authorized to fix the time for the commencement, which shall not be more than 15 days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day until completion, and he may extend the time so fixed from time to time under the direction of said legislative body of said city, town, or municipal corporation: *Provided, however,* That nothing herein contained shall be construed as prohibiting such city, town, or municipal corporation itself from constructing or completing such sewer or improvement and buying the material and employing the labor necessary therefor: *Provided, however,* That this section shall not apply where sewer systems or any part of a sewer system already constructed has been or is to be acquired under this act: *And provided further,* That in cities, towns, and municipal corporations operating under a charter heretofore or hereafter framed, under section 8, article 11, of the constitution of the State of California, and providing for a board or department of public works, all the things required in this section to be done and performed by the legislative body of the municipality shall be done and performed by the board or department of public works of such city, town, or municipal corporation, and in case such charter also prescribed the manner of letting and entering into contracts for the furnishing of labor, materials, or supplies for the construction or completion of public works or improvements, all contracts for the construction or completion of sewer work or improvement shall be let and entered into in conformity with the provisions of such charter."